

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASSANDRA SHIH,

Plaintiff,

-against-

PETAL CARD, INC. et. al.,

Defendant.

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| USDC SDNY<br>DOCUMENT<br>ELECTRONICALLY FILED<br>DOC #:<br>DATE FILED: 5/4/21 |
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18-CV-5495 (JFK) (BCM)

**ORDER**

**BARBARA MOSES, United States Magistrate Judge.**

For the reasons discussed on the record during the May 3, 2021 discovery conference, it is hereby ORDERED that:

1. The recipients of the nonparty subpoenas that are the subject of defendants' letter-motions dated April 15 and April 21, 2021 (Dkt. Nos. 140, 143) shall promptly produce all responsive, non-privileged documents dated or created on or before February 15, 2019. Documents dated or created thereafter need not be produced. If a subpoena recipient has no responsive documents dated or created on or before February 15, 2019 in his possession, custody, or control, he shall promptly so state in writing.
2. If and to the extent otherwise-discoverable documents responsive to the subpoenas are withheld on privilege grounds, the subpoena recipients shall serve privilege logs, in accordance with Local Civil Rule 26.2, no later than **June 7, 2021**. Documents properly withheld pursuant to the attorney-client privilege need not be logged if the privileged communications (a) were between the subpoena recipient and the attorney(s) who later served as that recipient's counsel of record in this action and (b) took place on or after September 1, 2017.

3. Pursuant to ¶ 1 of the Revised Supplemental Case Management Order dated March 22, 2021 (Dkt. No. 137), the parties were required to substantially complete their document production in response to the requests for production (RFPs) then outstanding by May 7, 2021. On or before **June 7, 2021**, the parties shall serve their initial privilege logs, in accordance with Local Civil Rule 26.2, covering the documents produced through May 7. Documents properly withheld pursuant to the attorney-client privilege need not be logged if the privileged communications (a) were between the producing party and the attorney(s) who later served as that party's counsel of record in this action and (b) took place on or after September 1, 2017. The Court has been informed that additional RFPs were served after the issuance of the Revised Supplemental Case Management Order and that the production of documents responsive to those RFPs will not be substantially complete by May 7, 2021.
4. The status conference now scheduled for May 20, 2021 is ADJOURNED to **June 16, 2021, at 10:00 a.m.**
  - a. One week prior to that date, by **June 9, 2021**, the parties shall file status letters outlining the progress of discovery to date, including any disputes that require judicial resolution, and may propose further revisions to the Case Management Order as needed. Responding letters are due no later than **June 14, 2021**.
  - b. Pending further order of the Court (after evaluation of public health conditions), the conference will be conducted remotely via Microsoft Teams. Chambers will email the required videoconferencing link to the

parties in advance of the conference. A publicly accessible audio line will be available to nonparties, including members of the public and the press, by dialing **(917) 933-2166** and entering the code **923981331#**. Nonparties must observe the same decorum as would be expected at an in-person conference, and must mute their telephone lines throughout the proceeding.

This Order resolves the motions at Dkt. Nos. 140 and 143.

Dated: New York, New York  
May 4, 2020

**SO ORDERED.**



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**BARBARA MOSES**  
**United States Magistrate Judge**